

405 KAR 30:140. Written approval required for transfer of permit; successor in interest.

RELATES TO: KRS 350.600

STATUTORY AUTHORITY: KRS 224.033, 350.028, 350.050, 350.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.600 requires the Environmental and Public Protection Cabinet to develop administrative regulations for oil shale operations to minimize and prevent their adverse effects on the citizens and the environment of the Commonwealth. This administrative regulation sets forth criteria for transfer for succession of permits.

Section 1. No Transfer or Succession Without Prior Written Approval. (1) No permit issued pursuant to this chapter shall be transferred by sale, assignment, lease, or otherwise except upon the prior written approval of the cabinet. There shall be no succession on the permitted area without the prior written approval of the cabinet. The initial permittee must notify the cabinet in writing of any proposed succession, sale, assignment, lease or other transfer. The cabinet may release the first operator from reclamation responsibility under this chapter as to that particular operation; provided, however, there shall be no release until the successor operator has been issued a permit and has otherwise complied with the requirements of this chapter, and, further provided, that the successor immediately assumes as a part of his obligation under this chapter all liability for the reclamation of the area of land affected by the former permitted operation.

(2) If the cabinet has given its prior written approval to the transfer, a successor in interest to a permittee who applies for a new permit within thirty (30) days of succeeding to such interest, and who obtains immediate bond coverage at least equivalent to the amount of the bond of the original permittee, may continue oil shale operations according to the approved permit plan of the original permittee until such successor's application is granted or denied. The bond coverage provided by the successor in interest must take effect immediately upon the commencement of operations by the successor. (8 Ky.R. 105; eff. 3-1-82; TAm eff. 8-9-2007.)